

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SPENCER PHARMACEUTICAL INC.,
et al.,

Defendants.

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Civil Action No. 12-cv-12334-IT

ORDER

November 11, 2014

TALWANI, D.J.

On November 11, 2014 Defendant Jean-Francois Amyot (“Amyot”) filed a motion requesting leave to appear telephonically at the pretrial conference scheduled for November 12, 2014 at 2:30 p.m.¹ This motion, submitted to the clerk by email on a federal holiday on the day prior to the scheduled conference, is untimely. Moreover, Amyot’s statement that he would have to drive for two days to attend this conference in person is an unreasonable estimation of the trip’s length. Based on Amyot’s address as provided to the court, his estimated driving time to Boston is slightly more than six hours.

Both the nature and timing of Amyot’s motion suggest a lack of appropriate attention to this pending matter. Amyot’s in-person attendance at the court’s final pretrial conference would assist both the court and Amyot himself in preparing for trial, which is scheduled to begin on

¹ See Def.s’ Mot. Requesting Appear Before Court Telephone Pre-Trial Conference [#160].

² See Order [#151] (ruling on authenticity of documents); Order [#154] (ruling on challenge to

Monday November 17, 2014. Accordingly, the court strongly discourages Amyot from participating telephonically.

If Amyot nonetheless seeks to participate by telephone, however, the court will not prohibit him from so appearing. The motion to appear by telephone [#160] is ALLOWED.

It is further ordered that Amyot, whether appearing in person or by telephone, be prepared to discuss all topics identified in Plaintiff SEC's Trial Brief [#158] as well as the court's Order [#159] issued on November 10, 2014. In light of the court's ruling on the parties' respective motions *in limine*,² Amyot should also be prepared to identify which, if any, proposed trial exhibits he still objects to being introduced as well as the grounds for those objections.

IT IS SO ORDERED.

November 11, 2014

/s/ Indira Talwani
United States District Judge

² See Order [#151] (ruling on authenticity of documents); Order [#154] (ruling on challenge to the legality of search and seizure of documents).